



# UNITED STATES PATENT AND TRADEMARK OFFICE

MS

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,629	08/29/2001	Toshiya Takahashi	2001-1215A	5593
513	7590	11/02/2006		EXAMINER
				TOPGYAL, GELEK W
			ART UNIT	PAPER NUMBER
				2621

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/940,629	TAKAHASHI, TOSHIYA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gelek Topgyal	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 August 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8,23 and 26 is/are pending in the application.  
 4a) Of the above claim(s) 9-22,24,25,27 and 28 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8,23 and 26 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 29 August 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>1 October 2001</u> .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of invention 1, claims 1-8, 23 and 26 in the reply filed on 8/14/2006 is acknowledged.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 26 is rejected under 35 U.S.C. 101 because the claim is directed solely towards a data storage medium storing auxiliary information.

When nonfunctional descriptive material is recorded on some computer-readable medium, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. See MPEP 2106.IV.B.1.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-8, 23 and 26** are rejected under 35 U.S.C. 102(e) as being anticipated by Sampsell (US 6,614,988).

**Regarding claim 1,** Sampsell teaches an auxiliary information generation method comprising:

generating auxiliary information relating to digital data when the digital data is generated (Col. 3, line 39 through Col. 4, line 23 teaches the ability for the system to generate auxiliary information relating to digital audio and video taken by a camcorder); and

recording or transmitting the generated auxiliary information together with the digital data (Figure 128 and Col. 5, lines 20-33 teaches that the generated auxiliary information can be stored on the tape 128, which is where the audio and video information is also stored).

**Regarding claim 2,** Sampsell teaches the claimed wherein:

a candidate of auxiliary information to be generated is selected (Col. 3, line 39 through Col. 4, line 23 and Figure 3 teaches numerous candidates of names, things, prepositions, place, and event information that can be selected as auxiliary information); and

auxiliary information corresponding to the selected candidate is generated (Col. 3, line 39 through Col. 4, line 23 and Figure 3 teaches numerous candidates of names, things, prepositions, place, and event information that can be selected as auxiliary information. The information is therefore generated for the purpose of displaying or storing the auxiliary information).

**Regarding claim 3,** Sampsell teaches the claimed wherein generation of the auxiliary information is carried out in synchronization with the start or completion of one of inputting, recording, and transmission of the digital data (Col. 3, line 39 through Col. 4, line 23 and Figure 3 teaches numerous candidates of names, things, prepositions, place, and event information that can be selected as auxiliary information. Col. 3, lines 4-15 teaches that the auxiliary information can be attached to the video after the video has been selected. The generation of the auxiliary information is therefore synchronized (displayed to the user as seen in Figure 3) when the user chooses to label the video, which has completed recording of the video data).

**Regarding claim 4,** Sampsell teaches the claimed wherein generation of the auxiliary information is carried out with, as a trigger, user operation performed on a data generation apparatus which generates the digital data (Col. 3, line 4-38 teaches that when the user chooses to add auxiliary information to a video, the menu as seen in Figure 3 is generated. When the user chooses to enter the Natural Language Interface 12 (Figures 3, 5 and col. 5, lines 20-33), the selection meets the limitation of the claimed “trigger”).

**Regarding claim 5,** Sampsell teaches the claimed wherein:

the digital data is video and audio data (Col. 5, lines 20-33 teaches a camcorder which records audio and video data); and

the auxiliary information includes any of temporal information, contents, and degree of importance, of the video and audio data (Col. 3, line 39 through Col. 4, line 23 and Figure 3 teaches numerous types of information that define the video that has been

taken. The “names, things, prepositions, places, and events” categories configurable by the user read on the claimed limitations).

**Claim 6** is rejected for the same reasons as discussed in claim 1 above.

**Regarding claim 7**, Sampsell teaches the claimed comprising a CPU which is included in a data generation apparatus for generating the digital data (Col. 3, line 39 through Col. 4, line 23 and Figure 4 teaches a Camcorder which includes the Natural Language Interface 12. The Natural Language Interface 12 and the entire system have to be controlled by a controller/processor. The recording of video with a camcorder and the functions of the Natural Language Interface 12 have to be realized with the control of a controller/processor, and therefore, it is an inherent feature in Sampsell. The limitation of the CPU is therefore met by the inherent controller/processor of Sampsell).

**Regarding claim 8**, Sampsell teaches the limitations as discussed in claim 7 above and further teaches wherein:

    said data generation apparatus includes a display means for displaying the digital data (Col. 4, line 53 through Col. 5, line 33 and Figure 3 teaches a viewfinder 50 that displays the video data); and

    said CPU includes,

    a menu display means for displaying, on the display means, a menu of auxiliary information which is to be selected by the user of the data generation apparatus (Col. 4, line 53 through Col. 5, line 33 and Figure 3 teaches that the Natural Language Interface 12 (in conjunction with the controller/processor) displays a menu displaying the auxiliary information selectable by the user),

a model selection means for selecting a model of auxiliary information according to options in the menu selected by the user (Col. 4, line 53 through Col. 5, line 33 and Figure 3 teaches that the Natural Language Interface 12 (in conjunction with the controller/processor) displays a menu displaying the auxiliary information selectable by the user. Furthermore, button 54a is used to select a particular auxiliary information), and

a model rewriting means for rewriting parameter sections in the selected model according to an instruction from the user (Col. 5, lines 3-4 teaches that the back button 54e can be selected by the user to edit a selection previously made, therefore, the ability to rewrite parameters is clearly taught).

**Regarding claim 23,** Sampsell teaches a data storage medium which stores a data processing program for making a computer execute the auxiliary information generation method defined in claim 1 (Col. 5, lines 49-63 that a “personal computer 86 that includes software with the Natural Language Interface 12” can be used to do the same functions as discussed in claim 1 above. Since the software is stored on the personal computer, it has to be stored on a medium).

**Regarding claim 26,** Sampsell teaches a data storage medium which stores the auxiliary information generated by the auxiliary information generation method defined in claim 1 (Col. 5, lines 20-33 teaches a tape 128 that records the auxiliary information).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2621

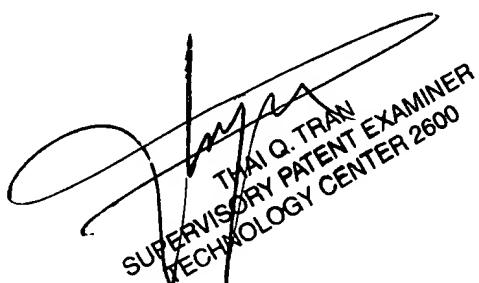
The cited references teach the ability to attach additional information of video contents onto the data of the video contents.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gelek Topgyal whose telephone number is 571-272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GT  
10/20/06



THAI Q. TRAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600